

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

No. 18-cv-01776-JRT-HB

In Re Pork Antitrust Litigation

This Document Relates to:

Direct Purchaser Plaintiffs

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**SEABAORD FOODS LLC'S ANSWER AND DEFENSES TO THE DIRECT  
PURCHASER PLAINTIFFS' THIRD AMENDED AND CONSOLIDATED CLASS  
ACTION COMPLAINT**

Defendant Seaboard Foods LLC (“Seaboard”)<sup>1</sup> hereby submits its answer and affirmative defenses to the Direct Purchaser Plaintiffs’ Third Amended and Consolidated Class Action Complaint, ECF No. 431 (“Complaint”), as follows:

**PRELIMINARY STATEMENT**

Seaboard denies all allegations in the Complaint unless expressly admitted. Where an allegation in the Complaint is directed at another Defendant or a party that is not affiliated with Seaboard, except as otherwise expressly stated, Seaboard denies the allegations on the basis that it lacks the knowledge or information sufficient to form a belief

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<sup>1</sup> On December 2, 2020, Seaboard Corporation filed a motion for reconsideration of the Court's Order denying its motion to dismiss, [ECF No. 550], which suspends the obligation to answer. F.R.C.P. 12(a)(4). Furthermore, on December 9, 2020, Seaboard Corporation filed a stipulation in which Plaintiffs stipulated to the dismissal of Plaintiffs' claims without prejudice, accompanied by a proposed order confirming the dismissal. [ECF No. 564]. For these reasons, Seaboard Corporation is not obligated to respond to this Complaint. To the extent there is any uncertainty as to whether a response is required, Seaboard Corporation joins this Answer and adopts each and every response and defense as if asserted by Seaboard Corporation itself.

concerning the truth of such allegations. Further, unless otherwise expressly admitted, Seaboard denies any allegations in the headings, footnotes, or in other places in the Complaint, to the extent any such allegations require a response. Any headings, subheadings, or similar text that Seaboard has reprinted in this Answer are for the convenience of the Court and the parties, and are not intended to be nor shall they be construed as an admission of any fact by Seaboard.

### **ANSWER**

**Answer to Unnumbered Paragraph:** Seaboard denies that this action meets the requirements for bringing the action on behalf of the “Class” described in the unnumbered paragraph. This denial applies to all allegations throughout the Complaint that refer to the “class,” “class members” and “Class Period” and is incorporated by reference in all answers to such allegations. The unnumbered paragraph contains Plaintiffs’ characterization of their claims and/or legal argument and conclusions, to which no response is required.

**Answer to Paragraph 1:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 1 and, therefore, denies the allegations.

**Answer to Paragraph 2:** Seaboard denies the allegations in Paragraph 2.

**Answer to Paragraph 3:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 3 premised on any such conspiracy. To the extent that the allegations in Paragraph 3 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the

truth of these allegations and, therefore, denies the allegations. Seaboard admits that it receives Agri Stats reports for lawful purposes, but denies that the allegations in Paragraph 3 fully and accurately summarize those reports. Seaboard further states that the reports speak for themselves and denies any allegations inconsistent with their contents. Seaboard denies the remaining allegations in Paragraph 3.

**Answer to Paragraph 4:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 4 premised on any such conspiracy. To the extent that the allegations in Paragraph 4 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard admits that it receives Agri Stats reports for lawful purposes, but denies that the allegations in Paragraph 4 fully and accurately summarize those reports. Seaboard further states that the reports speak for themselves and denies any allegations inconsistent with their contents. Seaboard denies the remaining allegations in Paragraph 4.

**Answer to Paragraph 5:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 5 premised on any such conspiracy. To the extent that the allegations in Paragraph 5 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard denies the remaining allegations in Paragraph 5.

**Answer to Paragraph 6:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 6 premised on any such conspiracy.

Paragraph 6 contains legal conclusions to which no response is required. To the extent a response is required, Seaboard denies the legal conclusions in Paragraph 6. To the extent that the allegations in Paragraph 6 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard denies the remaining allegations in Paragraph 6.

**Answer to Paragraph 7:** Seaboard denies the allegations in Paragraph 7.

**Answer to Paragraph 8:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 8 premised on any such conspiracy, including any alleged violations of Section 1 of the Sherman Act. Paragraph 8 contains Plaintiff's characterization of its claims and/or legal argument and conclusions, to which no response is required. To the extent a response is required, Seaboard denies the characterizations, arguments, and conclusions.

**Answer to Paragraph 9:** Seaboard admits that this Court has subject-matter jurisdiction.

**Answer to Paragraph 10:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 10 premised on any such conspiracy. Seaboard admits that venue is proper in this district for the purposes of this matter only. Seaboard denies the remaining allegations in Paragraph 10.

**Answer to Paragraph 11:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 11 premised on any such conspiracy. Seaboard admits that it is subject to the personal jurisdiction of this Court for the purposes

of this matter only. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations concerning whether the other Defendants in this District are subject to the personal jurisdiction of this Court and, therefore, denies the allegations. Seaboard denies the remaining allegations in Paragraph 11.

**Answer to Paragraph 12:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 12 premised on any such conspiracy. To the extent that the allegations in Paragraph 12 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard denies the remaining allegations in Paragraph 12.

**Answer to Paragraph 13:** Paragraph 13 contains legal conclusions to which no response is required. To the extent that a response is required, Seaboard denies the legal conclusions in Paragraph 13. To the extent that the allegations in Paragraph 13 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard denies the remaining allegations in Paragraph 13.

**Answer to Paragraph 14:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 14 and, therefore, denies the allegations.

**Answer to Paragraph 15:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 15 and, therefore, denies the allegations.

**Answer to Paragraph 16:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 16 and, therefore, denies the allegations.

**Answer to Paragraph 17:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 17 and, therefore, denies the allegations.

**Answer to Paragraph 18:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 18 and, therefore, denies the allegations.

**Answer to Paragraph 19:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 19 and, therefore, denies the allegations.

**Answer to Paragraph 20:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 20 premised on any such conspiracy. To the extent that the allegations in Paragraph 20 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard denies the remaining allegations in Paragraph 20.

**Answer to Paragraph 21:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 21 and, therefore, denies the allegations.

**Answer to Paragraph 22:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 22 and, therefore, denies the allegations.

**Answer to Paragraph 23:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 23 and, therefore, denies the allegations.

**Answer to Paragraph 24:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 24 and, therefore, denies the allegations.

**Answer to Paragraph 25:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 25 and, therefore, denies the allegations.

**Answer to Paragraph 26:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 26 and, therefore, denies the allegations.

**Answer to Paragraph 27:** Seaboard admits that it is a limited-liability company headquartered in the area of Johnson County, Kansas, designated as Shawnee Mission, Kansas; that it is a wholly owned subsidiary of Seaboard Corporation; and that it sold pork in interstate commerce during the Class Period. Seaboard denies the remaining allegations of Paragraph 27.

**Answer to Paragraph 28:** Seaboard admits that Seaboard Corporation is a Delaware Corporation headquartered in Merriam, Kansas, and that Seaboard Corporation

is the parent company of Seaboard. Seaboard admits that Seaboard Corporation's subsidiary, Seaboard, sold pork in interstate commerce during the Class Period, but denies that Seaboard Corporation itself sold pork in interstate commerce during the Class Period. Seaboard denies the remaining allegations of Paragraph 28.

**Answer to Paragraph 29:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 29 and, therefore, denies the allegations.

**Answer to Paragraph 30:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 30 and, therefore, denies the allegations.

**Answer to Paragraph 31:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 31 and, therefore, denies the allegations.

**Answer to Paragraph 32:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 32 and, therefore, denies the allegations.

**Answer to Paragraph 33:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 33 and, therefore, denies the allegations.

**Answer to Paragraph 35:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 35 and, therefore, denies the allegations.



**Answer to Paragraph 36:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 36 and, therefore, denies the allegations.

**Answer to Paragraph 37:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 37 and, therefore, denies the allegations.

**Answer to Paragraph 38:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 38 and, therefore, denies the allegations.

**Answer to Paragraph 39:** Seaboard states that the district court opinion speaks for itself, and denies any characterization inconsistent with its contents. To the extent a response is required, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 39 and, therefore, denies the allegations.

**Answer to Paragraph 40:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 40 premised on any such conspiracy, including that it was a “co-conspirator.” Paragraph 40 contains Plaintiffs’ characterization of their claims and/or legal argument and conclusions, to which no response is required. To the extent a response is required, Seaboard denies Plaintiffs’ characterizations, legal argument, and conclusions. To the extent that Paragraph 40 contains factual allegations, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies the allegations.

**Answer to Paragraph 41:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 41 and, therefore, denies the allegations.

**Answer to Paragraph 42:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 42 premised on any such conspiracy. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 42 and, therefore, denies the allegations.

**Answer to Paragraph 43:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 43 and, therefore, denies the allegations.

**Answer to Paragraph 44:** Seaboard denies the allegations in Paragraph 44.

**Answer to Paragraph 45:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 45 premised on any such conspiracy, including that it was a party to any “anticompetitive scheme” or “agreement.” Paragraph 45 contains Plaintiffs’ characterization of their claims and/or legal argument and conclusions, to which no response is required. To the extent a response is required, Seaboard denies Plaintiffs’ characterizations, legal argument, and conclusions. To the extent that Paragraph 45 contains factual allegations, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies the allegations.

**Answer to Paragraph 46:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 46 premised on any such conspiracy. To

the extent that the allegations in Paragraph 46 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard admits that it receives Agri Stats reports and provides information to Agri Stats, and states that it receives such reports and provides such information for lawful purposes. Seaboard denies the remaining allegations in Paragraph 46.

**Answer to Paragraph 47:** Seaboard admits that it submits information to Agri Stats, but denies that the allegations in Paragraph 47 accurately describe the information submitted, the process for submission, or the verification or audit of any data that may occur. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 47 and, therefore, denies the allegations.

**Answer to Paragraph 48:** Seaboard admits that it submits information to Agri Stats, but denies that the allegations in Paragraph 48 accurately describe the information submitted, the process for submission, or the verification or audit of any data that may occur. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 48 and, therefore, denies the allegations.

**Answer to Paragraph 49:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 49 premised on any such conspiracy. To the extent that the allegations in Paragraph 49 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard admits that it receives Agri Stats reports for lawful purposes, but denies that the allegations in Paragraph

49 fully and accurately summarize those reports. Seaboard further states that the reports speak for themselves and denies any allegations inconsistent with their contents. Seaboard denies the remaining allegations in Paragraph 49.

**Answer to Paragraph 50:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 50 and, therefore, denies the allegations.

**Answer to Paragraph 51:** Seaboard states that the presentation in Paragraph 51 speaks for itself and denies any allegations inconsistent with its contents. Seaboard lacks knowledge or information sufficient to form an opinion as to the truth of any remaining allegations in Paragraph 51 and, therefore, denies the allegations.

**Answer to Paragraph 52:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 52 premised on any such conspiracy. To the extent that the allegations in Paragraph 52 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard admits that the term “ckg” can, in some contexts, refer to 100 kilograms. Seaboard further states that the presentation referenced in Paragraph 52 speaks for itself and denies any allegations inconsistent with its contents. Seaboard denies the remaining allegations in Paragraph 52.

**Answer to Paragraph 53:** Paragraph 53 contains Plaintiffs’ characterization of their claims and/or legal argument and conclusions, to which no response is required. To the extent a response is required, Seaboard denies Plaintiffs’ characterizations, legal argument, and conclusions. Seaboard denies any remaining allegations in Paragraph 53.

**Answer to Paragraph 54:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 54 premised on any such conspiracy. To the extent that the allegations in Paragraph 54 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard further states that the presentation referenced in Paragraph 54 speaks for itself and denies any allegations inconsistent with its contents. Seaboard denies the remaining allegations in Paragraph 54.

**Answer to Paragraph 55:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 55 and, therefore, denies the allegations.

**Answer to Paragraph 56:** Seaboard admits that Agri Stats employees occasionally visited Seaboard for lawful purposes. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 56 and, therefore, denies the allegations.

**Answer to Paragraph 57:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 57 and, therefore, denies the allegations.

**Answer to Paragraph 58:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 58 and, therefore, denies the allegations.

**Answer to Paragraph 59:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 59 premised on any such conspiracy. To

the extent that the allegations in Paragraph 59 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard denies the remaining allegations in Paragraph 59.

**Answer to Paragraph 60:** Seaboard states that the reports referenced in Paragraph 60 speak for themselves and denies any allegations inconsistent with their contents. Seaboard denies that it was able to “accurately identify the companies behind the metrics.” Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 60 and, therefore, denies the allegations.

**Answer to Paragraph 61:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 61 and, therefore, denies the allegations.

**Answer to Paragraph 62:** To the extent that the allegations in Paragraph 62 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard admits that it receives Agri Stats reports for lawful purposes, but denies that the allegations in Paragraph 62 fully and accurately summarize those reports. Seaboard further states that the reports speak for themselves and denies any allegations inconsistent with their contents. Seaboard denies the remaining allegations in Paragraph 62.

**Answer to Paragraph 63:** To the extent that the allegations in Paragraph 63 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or

information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard admits that it receives Agri Stats reports for lawful purposes, but denies that the allegations in Paragraph 63 fully and accurately summarize those reports. Seaboard further states that the reports speak for themselves and denies any allegations inconsistent with their contents. Seaboard denies the remaining allegations in Paragraph 63.

**Answer to Paragraph 64:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 64 and, therefore, denies the allegations.

**Answer to Paragraph 65:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 65 premised on any such conspiracy. Paragraph 65 contains Plaintiffs' characterization of their claims and/or legal argument and conclusions, to which no response is required. To the extent a response is required, Seaboard denies Plaintiffs' characterizations, legal argument, and conclusions. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 65 and, therefore, denies the allegations.

**Answer to Paragraph 66:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 66 and, therefore, denies the allegations.

**Answer to Paragraph 67:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 67 and, therefore, denies the allegations.

**Answer to Paragraph 68:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 68 and, therefore, denies the allegations.

**Answer to Paragraph 69:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 69 premised on any such conspiracy. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 69 and, therefore, denies the allegations.

**Answer to Paragraph 70:** Seaboard admits that “farrowing” is a term used to describe a female hog giving birth; that female hogs used in the farrowing stage of production are sometimes known as “sows”; that some sows may have between 11 and 13 pigs per litter; that some piglets grown for meat consumption are moved to a nursery for a period of six to eight weeks or until the pig achieves a specified target weight; that some pigs spend time in a finishing barn; and that some pigs reach a final weight of over 250 pounds before they are sent to a plant for harvesting. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 70 and, therefore, denies the allegations.

**Answer to Paragraph 71:** Seaboard denies that the allegations in Paragraph 71 fully and accurately describe “the path for pork raised for meat consumption from birth through sale to consumers.” Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 71 and, therefore, denies the allegations.



**Answer to Paragraph 72:** Paragraph 72 contains Plaintiffs' characterization of their claims and/or legal argument and conclusions, to which no response is required. To the extent a response is required, Seaboard denies the allegations in Paragraph 72.

**Answer to Paragraph 73:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 73 and, therefore, denies the allegations.

**Answer to Paragraph 74:** Seaboard admits that it raised approximately 75% of the hogs processed at its Guymon, Oklahoma plant in 2009, and purchased its remaining hog requirements primarily under contracts with independent producers. Seaboard states that Seaboard Corporation's 2017 SEC 10-K report speaks for itself and denies any allegations inconsistent with its contents. Seaboard denies any remaining allegations in Paragraph 74.

**Answer to Paragraph 75:** Seaboard states that the Clemens Food Group website speaks for itself and denies any allegations inconsistent with its contents. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 75 and, therefore, denies the allegations.

**Answer to Paragraph 76:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 76 and, therefore, denies the allegations.

**Answer to Paragraph 77:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 77 and, therefore, denies the allegations.

**Answer to Paragraph 78:** Seaboard states that the Tyson 10-K report speaks for itself and denies any allegations inconsistent with its contents. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 78 and, therefore, denies the allegations.

**Answer to Paragraph 79:** Seaboard states that the Indiana Packers website speaks for itself and denies any allegations inconsistent with its contents. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 79 and, therefore, denies the allegations.

**Answer to Paragraph 80:** Seaboard states that Hormel's 2009 annual report speaks for itself and denies any allegations inconsistent with its contents. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 80 and, therefore, denies the allegations.

**Answer to Paragraph 81:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 81 premised on any such conspiracy. Seaboard admits that it sells pork products under its own name brands. To the extent that the remaining allegations in Paragraph 81 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard denies the remaining allegations in Paragraph 81.

**Answer to Paragraph 82:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 82 and, therefore, denies the allegations.

**Answer to Paragraph 83:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 83 and, therefore, denies the allegations.

**Answer to Paragraph 84:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 84 and, therefore, denies the allegations.

**Answer to Paragraph 85:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 84 and, therefore, denies the allegations.

**Answer to Paragraph 86:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 86 and, therefore, denies the allegations.

**Answer to Paragraph 87:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 87 and, therefore, denies the allegations.

**Answer to Paragraph 88:** Paragraph 88 contains Plaintiffs' characterization of their claims and/or legal argument and conclusions, to which no response is required. To the extent a response is required, Seaboard denies Plaintiffs' characterizations, legal argument, and conclusions. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 88 and, therefore, denies the allegations.

**Answer to Paragraph 89:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 89 regarding how WH Group Limited “characterized the U.S. pork integration industry” and, therefore, denies the allegations. The remaining allegations in Paragraph 89 contains Plaintiffs’ economic and legal conclusions to which no response is required. To the extent a response is required, Seaboard denies the remaining allegations in Paragraph 89.

**Answer to Paragraph 90:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 90 premised on any such conspiracy. To the extent that the allegations in Paragraph 90 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard denies the remaining allegations in Paragraph 90.

**Answer to Paragraph 91:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 91 and, therefore, denies the allegations.

**Answer to Paragraph 92:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 92 premised on any such conspiracy. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 92 and, therefore, denies the allegations.

**Answer to Paragraph 93:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 93 and, therefore, denies the allegations.

**Answer to Paragraph 94:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in the Paragraph 94 and, therefore, denies the allegations.

**Answer to Paragraph 95:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 95 and, therefore, denies the allegations.

**Answer to Paragraph 96:** Paragraph 96 contains Plaintiffs' characterization of their claims and/or legal argument and conclusions, to which no response is required. To the extent a response is required, Seaboard denies Plaintiffs' characterizations, legal argument, and conclusions. To the extent Paragraph 96 contains factual allegations, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 96 and, therefore, denies the allegations.

**Answer to Paragraph 97:** Paragraph 97 contains Plaintiffs' characterization of their claims and/or legal argument and conclusions, to which no response is required. To the extent a response is required, Seaboard denies Plaintiffs' characterizations, legal argument, and conclusions. To the extent Paragraph 97 contains factual allegations, Seaboard admits that pork loins, bacon, ribs, and other pork products are sold in supermarkets, among other places. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 97 and, therefore, denies the allegations.

**Answer to Paragraph 98:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 98 premised on any such conspiracy.

Seaboard admits that at times it has been a member of certain legitimate trade associations and that employees or executives have attended meetings from time to time that are hosted by such legitimate trade associations. To the extent that the allegations in Paragraph 98 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard denies the remaining allegations in Paragraph 98.

**Answer to Paragraph 99:** Seaboard admits that it pays legislatively-mandated assessments owed under the Pork Checkoff program. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 99 and, therefore, denies the allegations.

**Answer to Paragraph 100:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 100 and, therefore, denies the allegations.

**Answer to Paragraph 101:** Seaboard states that the NPPC website speaks for itself and denies any allegations inconsistent with its contents. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 101 and, therefore, denies the allegations.

**Answer to Paragraph 102:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 102 and, therefore, denies the allegations.

**Answer to Paragraph 103:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 103 and, therefore, denies the allegations.

**Answer to Paragraph 104:** Seaboard admits that at least one of its employees has presented at the NPIC. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 104 and, therefore, denies the allegations.

**Answer to Paragraph 105:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 105 premised on any such conspiracy. To the extent that the allegations in Paragraph 105 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard denies the remaining allegations in Paragraph 105.

**Answer to Paragraph 106:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 106 premised on any such conspiracy. To the extent that the allegations in Paragraph 106 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard denies the remaining allegations in Paragraph 106.

**Answer to Paragraph 107:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 107 premised on any such conspiracy. To the extent that the allegations in Paragraph 107 relate to other Defendants and/or third

parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard denies the remaining allegations in Paragraph 107.

**Answer to Paragraph 108:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 108 and, therefore, denies the allegations.

**Answer to Paragraph 109:** Seaboard states that the NAMI website speaks for itself and denies any allegations inconsistent with its contents. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 109 and, therefore, denies the allegations.

**Answer to Paragraph 110:** Seaboard admits that Gary Louis, Rod Brenneman and Terry Holton have served on the AMI and/or NAMI boards of directors. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 110 and, therefore, denies the allegations.

**Answer to Paragraph 111:** Seaboard admits that Rod Brenneman served as an officer of AMI. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 111 and, therefore, denies the allegations.

**Answer to Paragraph 112:** Seaboard states that the Annual Meat Conference website speaks for itself and denies any allegations inconsistent with its contents. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 112 and, therefore, denies the allegations.



**Answer to Paragraph 113:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 113 and, therefore, denies the allegations.

**Answer to Paragraph 114:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 114 and, therefore, denies the allegations.

**Answer to Paragraph 115:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 115 and, therefore, denies the allegations.

**Answer to Paragraph 116:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 116 and, therefore, denies the allegations.

**Answer to Paragraph 117:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 117 and, therefore, denies the allegations.

**Answer to Paragraph 118:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 118 and, therefore, denies the allegations.

**Answer to Paragraph 119:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 119 premised on any such conspiracy, including that there was a “conspiracy period.” To the extent that the allegations in Paragraph 119 relate to other Defendants and/or third parties to this action, Seaboard lacks

knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard denies the remaining allegations in Paragraph 119.

**Answer to Paragraph 120:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 120 premised on any such conspiracy, including that there was a “conspiracy period.” Seaboard admits that a PEDv epidemic occurred in 2014 and that the epidemic impacted pork supply in the United States, but denies any implication that the epidemic began in 2014 or that its effects on supply were confined to 2014. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 120 and, therefore, denies the allegations.

**Answer to Paragraph 121:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 121 premised on any such conspiracy. To the extent that the allegations in Paragraph 121 purport to quote an article in Pork Powerhouses, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard denies the remaining allegations in Paragraph 121.

**Answer to Paragraph 122:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 122 premised on any such conspiracy. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 122 and, therefore, denies the allegations.

**Answer to Paragraph 123:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 123 premised on any such conspiracy.

To the extent that the allegations in Paragraph 123 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard denies the remaining allegations in Paragraph 123.

**Answer to Paragraph 124:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 124 and, therefore, denies the allegations.

**Answer to Paragraph 125:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 125 and, therefore, denies the allegations.

**Answer to Paragraph 126:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 126 and, therefore, denies the allegations.

**Answer to Paragraph 127:** Seaboard states that JBS's 2016 annual report speaks for itself and denies any allegations inconsistent with its contents. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 127 and, therefore, denies the allegations.

**Answer to Paragraph 128:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 128 and, therefore, denies the allegations.

**Answer to Paragraph 129:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 129 premised on any such conspiracy.

Seaboard admits that, at times within the class period, its export sales experienced year-over-year growth and it had multiple employees whose duties related to international sales and exports. Seaboard denies that it announced in 2017 that it would delay establishing a second shift at the Seaboard Triumph Foods processing facility. Seaboard states that Seaboard Corporation's 2013 annual report speaks for itself and denies any allegations inconsistent with its contents. Seaboard denies any remaining allegations in Paragraph 129.

**Answer to Paragraph 130:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 130 and, therefore, denies the allegations.

**Answer to Paragraph 131:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 131 and, therefore, denies the allegations.

**Answer to Paragraph 132:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 132 and, therefore, denies the allegations.

**Answer to Paragraph 133:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 133 premised on any such conspiracy. To the extent that the allegations in Paragraph 133 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard denies the remaining allegations in Paragraph 133.

**Answer to Paragraph 134:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 134 premised on any such conspiracy. To the extent that the allegations in Paragraph 134 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard denies the remaining allegations in Paragraph 134.

**Answer to Paragraph 135:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 135 and, therefore, denies the allegations.

**Answer to Paragraph 136:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 136 and, therefore, denies the allegations.

**Answer to Paragraph 137:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 137 and, therefore, denies the allegations.

**Answer to Paragraph 138:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 138 and, therefore, denies the allegations.

**Answer to Paragraph 139:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 139 and, therefore, denies the allegations.

**Answer to Paragraph 140:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 140 and, therefore, denies the allegations.

**Answer to Paragraph 141:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 141 and, therefore, denies the allegations.

**Answer to Paragraph 142:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 142 and, therefore, denies the allegations.

**Answer to Paragraph 143:** Seaboard states that Tyson's 2009 10-K report speaks for itself and denies any allegations inconsistent with its contents.

**Answer to Paragraph 144:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 144 and, therefore, denies the allegations.

**Answer to Paragraph 145:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 145 and, therefore, denies the allegations.

**Answer to Paragraph 146:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 146 and, therefore, denies the allegations.

**Answer to Paragraph 147:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 147 and, therefore, denies the allegations.

**Answer to Paragraph 148:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 148 and, therefore, denies the allegations.

**Answer to Paragraph 149:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 149 premised on any such conspiracy. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 149 and, therefore, denies the allegations.

**Answer to Paragraph 150:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 150 and, therefore, denies the allegations.

**Answer to Paragraph 151:** Paragraph 151 contains Plaintiffs' characterization of their claims and/or legal argument and conclusions, to which no response is required. To the extent a response is required, Seaboard denies Plaintiffs' characterizations, legal argument, and conclusions. To the extent Paragraph 151 contains factual allegations, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 151 and, therefore, denies the allegations.

**Answer to Paragraph 152:** Paragraph 152 contains Plaintiffs' characterization of their claims and/or legal argument and conclusions, to which no response is required. To the extent a response is required, Seaboard denies Plaintiffs' characterizations, legal

argument, and conclusions. To the extent Paragraph 152 contains factual allegations, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 152 and, therefore, denies the allegations.

**Answer to Paragraph 153:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 153 and, therefore, denies the allegations.

**Answer to Paragraph 154:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 154 and, therefore, denies the allegations.

**Answer to Paragraph 155:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 155 and, therefore, denies the allegations.

**Answer to Paragraph 156:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 156 and, therefore, denies the allegations.

**Answer to Paragraph 157:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 157 and, therefore, denies the allegations.

**Answer to Paragraph 158:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 158 and, therefore, denies the allegations.



**Answer to Paragraph 159:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 159 and, therefore, denies the allegations.

**Answer to Paragraph 160:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 160 premised on any such conspiracy. To the extent that the allegations in Paragraph 160 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard admits that a PEDv epidemic occurred in 2014 and that the epidemic impacted pork supply in the United States, but denies any implication that the epidemic began in 2014 or that its effects on supply were confined to 2014. Seaboard denies the remaining allegations in Paragraph 160.

**Answer to Paragraph 161:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 161 premised on any such conspiracy. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations and, therefore, denies the allegations.

**Answer to Paragraph 162:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 162 and, therefore, denies the allegations.

**Answer to Paragraph 163:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 163 premised on any such conspiracy. Seaboard admits that it issued a press release dated February 17, 2017, entitled “Seaboard

Triumph Foods announces plans to expand pork processing plant.” Seaboard states that the press release speaks for itself and denies any allegations inconsistent with its contents. Seaboard further states that the articles cited in Paragraph 163 speak for themselves and denies any allegations inconsistent with their contents. Seaboard denies the allegation that “[i]n furtherance of the conspiracy, Triumph/Seaboard postponed the addition of a second shift.” Seaboard denies the remaining allegations in Paragraph 163.

**Answer to Paragraph 164:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 164 premised on any such conspiracy. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations and, therefore, denies the allegations.

**Answer to Paragraph 165:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 165 and, therefore, denies the allegations.

**Answer to Paragraph 166:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 166 premised on any such conspiracy. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 166 and, therefore, denies the allegations.

**Answer to Paragraph 167:** Paragraph 167 contains Plaintiffs’ characterization of their claims and/or legal argument and conclusions, to which no response is required. To the extent a response is required, Seaboard denies Plaintiffs’ characterizations, legal argument, and conclusions. To the extent Paragraph 167 contains factual allegations,

Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 167 and, therefore, denies the allegations.

**Answer to Paragraph 168:** Paragraph 168 contains Plaintiffs' characterization of their claims and/or legal argument and conclusions, to which no response is required. To the extent a response is required, Seaboard denies Plaintiffs' characterizations, legal argument, and conclusions. To the extent Paragraph 168 contains factual allegations, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 168 and, therefore, denies the allegations.

**Answer to Paragraph 169:** Paragraph 169 contains Plaintiffs' characterization of their claims and/or legal argument and conclusions, to which no response is required. To the extent a response is required, Seaboard denies Plaintiffs' characterizations, legal argument, and conclusions. To the extent Paragraph 169 contains factual allegations, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 169 and, therefore, denies the allegations.

**Answer to Paragraph 170:** Paragraph 170 contains Plaintiffs' characterization of their claims and/or legal argument and conclusions, to which no response is required. To the extent a response is required, Seaboard denies Plaintiffs' characterizations, legal argument, and conclusions. To the extent Paragraph 170 contains factual allegations, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 170 and, therefore, denies the allegations.

**Answer to Paragraph 171:** Paragraph 171 contains Plaintiffs' characterization of their claims and/or legal argument and conclusions, to which no response is required. To

the extent a response is required, Seaboard denies Plaintiffs' characterizations, legal argument, and conclusions. To the extent Paragraph 171 contains factual allegations, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 171 and, therefore, denies the allegations.

**Answer to Paragraph 172:** Seaboard denies that all pork is a commodity product as described in the first sentence of Paragraph 172. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 172 and, therefore, denies the allegations.

**Answer to Paragraph 173:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 173 premised on any such conspiracy. To the extent that the allegations in Paragraph 173 relate to other Defendants and/or third parties to this action, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies the allegations. Seaboard denies the remaining allegations in Paragraph 173.

**Answer to Paragraph 174:** Paragraph 174 contains Plaintiffs' characterization of their claims and/or legal argument and conclusions, to which no response is required. To the extent a response is required, Seaboard denies Plaintiffs' characterizations, legal argument, and conclusions. To the extent Paragraph 174 contains factual allegations, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 174 and, therefore, denies the allegations.

**Answer to Paragraph 175:** Paragraph 175 contains Plaintiffs' characterization of their claims and/or legal argument and conclusions, to which no response is required. To

the extent a response is required, Seaboard denies Plaintiffs' characterizations, legal argument, and conclusions. To the extent Paragraph 175 contains factual allegations, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 175 and, therefore, denies the allegations.

**Answer to Paragraph 176:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 176 and, therefore, denies the allegations.

**Answer to Paragraph 177:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 177 and, therefore, denies the allegations.

**Answer to Paragraph 178:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 178 and, therefore, denies the allegations.

**Answer to Paragraph 179:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 179 premised on any such conspiracy. Paragraph 179 contains Plaintiffs' characterization of their claims and/or legal argument and conclusions, to which no response is required. To the extent a response is required, Seaboard denies Plaintiffs' characterizations, legal argument, and conclusions. To the extent Paragraph 179 contains factual allegations, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 179 and, therefore, denies the allegations.

**Answer to Paragraph 180:** Seaboard denies the allegations in Paragraph 180.

**Answer to Paragraph 181:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 181 premised on any such conspiracy. Paragraph 181 contains Plaintiffs' characterization of their claims and/or legal argument and conclusions, to which no response is required. To the extent a response is required, Seaboard denies Plaintiffs' characterizations, legal argument, and conclusions. To the extent that Paragraph 181 contains factual allegations, Seaboard denies the allegations.

**Answer to Paragraph 182:** Seaboard denies the allegations in Paragraph 182.

**Answer to Paragraph 183:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 183 and, therefore, denies the allegations.

**Answer to Paragraph 184:** Paragraph 184 contains Plaintiffs' characterization of their claims and/or legal argument and conclusions, to which no response is required. To the extent a response is required, Seaboard denies Plaintiffs' characterizations, legal argument, and conclusions. To the extent Paragraph 184 contains factual allegations, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 184 and, therefore, denies the allegations.

**Answer to Paragraph 185:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 185 and, therefore, denies the allegations.

**Answer to Paragraph 186:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 186 and, therefore, denies the allegations.

**Answer to Paragraph 187:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 187 premised on any such conspiracy. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 187 and, therefore, denies the allegations.

**Answer to Paragraph 188:** Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 188 and, therefore, denies the allegations.

**Answer to Paragraph 189:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 189 premised on any such conspiracy. Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 189 and, therefore, denies the allegations.

**Answer to Paragraph 190:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 190 premised on any such conspiracy. Paragraph 190 contains Plaintiffs' characterization of their claims and/or legal argument and conclusions, to which no response is required. To the extent a response is required, Seaboard denies Plaintiffs' characterizations, legal argument, and conclusions. To the extent that Paragraph 190 contains factual allegations, Seaboard denies the allegations.

**Answer to Paragraph 191:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 191 premised on any such conspiracy. Paragraph 191 contains Plaintiffs' characterization of their claims and/or legal argument and conclusions, to which no response is required. To the extent a response is required,

Seaboard denies Plaintiffs' characterizations, legal argument, and conclusions. To the extent that Paragraph 191 contains factual allegations, Seaboard denies the allegations.

**Answer to Paragraph 192:** Seaboard admits that Plaintiffs purport to bring this action on behalf of a class as defined in Paragraph 192. Seaboard denies that this action can be properly maintained as a class action whether on behalf of the purported class or otherwise. To the extent that Paragraph 192 contains factual allegations, Seaboard denies the allegations.

**Answer to Paragraph 193:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 193 premised on any such conspiracy. Paragraph 193 contains Plaintiffs' characterization of their claims and/or legal argument and conclusions, to which no response is required. To the extent a response is required, Seaboard denies that this action can be properly maintained as a class action whether on behalf of the purported class or otherwise. To the extent that Paragraph 193 contains factual allegations, Seaboard denies the allegations.

**Answer to Paragraph 194:** Paragraph 194 contains Plaintiffs' characterization of their claims and/or legal argument and conclusions, to which no response is required. To the extent a response is required, Seaboard denies that this action can be properly maintained as a class action whether on behalf of the purported class or otherwise. To the extent that Paragraph 194 contains factual allegations, Seaboard lacks knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies the allegations.



**Answer to Paragraph 195:** Paragraph 195 contains Plaintiffs' characterization of their claims and/or legal argument and conclusions, to which no response is required. To the extent a response is required, Seaboard denies that this action can be properly maintained as a class action whether on behalf of the purported class or otherwise. To the extent that Paragraph 195 contains factual allegations, Seaboard denies the allegations.

**Answer to Paragraph 196:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 196 premised on any such conspiracy. Paragraph 196 contains Plaintiffs' characterization of their claims and/or legal argument and conclusions, to which no response is required. To the extent a response is required, Seaboard denies that this action can be properly maintained as a class action whether on behalf of the purported class or otherwise. To the extent that Paragraph 196 contains factual allegations, Seaboard denies the allegations.

**Answer to Paragraph 197:** Paragraph 197 contains Plaintiffs' characterization of their claims and/or legal argument and conclusions, to which no response is required. To the extent a response is required, Seaboard denies that this action can be properly maintained as a class action whether on behalf of the purported class or otherwise. To the extent that Paragraph 197 contains factual allegations, Seaboard denies the allegations.

**Answer to Paragraph 198:** Paragraph 198 contains Plaintiffs' characterization of their claims and/or legal argument and conclusions, to which no response is required. To the extent a response is required, Seaboard denies that this action can be properly maintained as a class action whether on behalf of the purported class or otherwise. To the extent that Paragraph 198 contains factual allegations, Seaboard denies the allegations.

**Answer to Paragraph 199:** Paragraph 199 contains Plaintiffs' characterization of their claims and/or legal argument and conclusions, to which no response is required. To the extent a response is required, Seaboard denies that this action can be properly maintained as a class action whether on behalf of the purported class or otherwise. To the extent that Paragraph 199 contains factual allegations, Seaboard denies the allegations.

**Answer to Paragraph 200:** Seaboard denies the conspiracy or conspiracies alleged in the Complaint and any allegations in Paragraph 200 premised on any such conspiracy. Paragraph 200 contains Plaintiffs' characterization of their claims and/or legal argument and conclusions, to which no response is required. To the extent a response is required, Seaboard denies that this action can be properly maintained as a class action whether on behalf of the purported class or otherwise. To the extent that Paragraph 200 contains factual allegations, Seaboard denies the allegations.

**Answer to Paragraph 201:** Seaboard denies the allegations in Paragraph 201 and its subparts.

**Answer to Paragraph 202:** Seaboard denies the allegations in Paragraph 202.

**Answer to Paragraph 203:** Seaboard denies the allegations in Paragraph 203.

**Answer to Paragraph 204:** Seaboard denies the allegations in Paragraph 204.

**Answer to Paragraph 205:** Seaboard incorporates by reference its answers to the preceding paragraphs.

**Answer to Paragraph 206:** Seaboard denies the allegations in Paragraph 206.

**Answer to Paragraph 207:** Seaboard denies the allegations in Paragraph 207.

**Answer to Paragraph 208:** Seaboard denies the allegations in Paragraph 208.

**Answer to Paragraph 209:** Seaboard denies the allegations in Paragraph 209.

**Answer to Paragraph 210:** Seaboard denies the allegations in Paragraph 210.

**Answer to Paragraph 211:** Seaboard denies the allegations in Paragraph 211.

**Answer to Paragraph 212:** Seaboard denies the allegations in Paragraph 212 and its subparts.

**Answer to Paragraph 213:** Seaboard denies the allegations in Paragraph 213.

**Answer to Paragraph 214:** Seaboard denies the allegations in Paragraph 214.

**Answer to Paragraph 215:** Seaboard denies the allegations in Paragraph 215.

**Answer to Paragraph 216:** The Request for Relief and its subparts contains no factual assertions to which a response is required. The Request for Relief and its subparts further states legal conclusions and Plaintiffs' characterizations of this action, with which Seaboard disagrees and to which no response is required. To the extent the Request for Relief requires a response, it is denied. Seaboard denies that Plaintiffs are entitled to any of the relief requested in the Request for Relief and its subparts.

**Answer to Paragraph 217:** The Request for Relief and its subparts contains no factual assertions to which a response is required. The Request for Relief and its subparts further states legal conclusions and Plaintiffs' characterizations of this action, with which Seaboard disagrees and to which no response is required. To the extent the Request for Relief requires a response, it is denied. Seaboard denies that Plaintiffs are entitled to any of the relief requested in the Request for Relief and its subparts.

**Answer to Paragraph 218:** The Request for Relief and its subparts contains no factual assertions to which a response is required. The Request for Relief and its subparts

further states legal conclusions and Plaintiffs' characterizations of this action, with which Seaboard disagrees and to which no response is required. To the extent the Request for Relief requires a response, it is denied. Seaboard denies that Plaintiffs are entitled to any of the relief requested in the Request for Relief and its subparts.

**Answer to Paragraph 219:** The Request for Relief and its subparts contains no factual assertions to which a response is required. The Request for Relief and its subparts further states legal conclusions and Plaintiffs' characterizations of this action, with which Seaboard disagrees and to which no response is required. To the extent the Request for Relief requires a response, it is denied. Seaboard denies that Plaintiffs are entitled to any of the relief requested in the Request for Relief and its subparts.

**Answer to Paragraph 220:** The Request for Relief and its subparts contains no factual assertions to which a response is required. The Request for Relief and its subparts further states legal conclusions and Plaintiffs' characterizations of this action, with which Seaboard disagrees and to which no response is required. To the extent the Request for Relief requires a response, it is denied. Seaboard denies that Plaintiffs are entitled to any of the relief requested in the Request for Relief and its subparts.

**Answer to Paragraph 221:** The Request for Relief and its subparts contains no factual assertions to which a response is required. The Request for Relief and its subparts further states legal conclusions and Plaintiffs' characterizations of this action, with which Seaboard disagrees and to which no response is required. To the extent the Request for Relief requires a response, it is denied. Seaboard denies that Plaintiffs are entitled to any of the relief requested in the Request for Relief and its subparts.

**Answer to Paragraph 222:** The Request for Relief and its subparts contains no factual assertions to which a response is required. The Request for Relief and its subparts further states legal conclusions and Plaintiffs' characterizations of this action, with which Seaboard disagrees and to which no response is required. To the extent the Request for Relief requires a response, it is denied. Seaboard denies that Plaintiffs are entitled to any of the relief requested in the Request for Relief and its subparts.

**Answer to Paragraph 223:** The Request for Relief and its subparts contains no factual assertions to which a response is required. The Request for Relief and its subparts further states legal conclusions and Plaintiffs' characterizations of this action, with which Seaboard disagrees and to which no response is required. To the extent the Request for Relief requires a response, it is denied. Seaboard denies that Plaintiffs are entitled to any of the relief requested in the Request for Relief and its subparts.

**Answer to Paragraph 224:** The Jury Demand does not contain any factual assertions to which a response is required. To the extent the Jury Demand is deemed to require a response, Seaboard also demands a jury trial as set forth below.

### **AFFIRMATIVE DEFENSES**

Seaboard does not concede that it has the burden of proof on any defense set forth below. Seaboard reserves the right to assert any additional affirmative or avoidance defenses as may become applicable and apparent during the course of this action.

### **FIRST DEFENSE**

Plaintiffs fail, in whole or in part, to state a claim upon which relief may be granted.

## **SECOND DEFENSE**

Plaintiffs' claims are barred, in whole or in part, because any alleged injuries and damages were not legally or proximately caused by any acts or omissions of Defendants and/or were caused, if at all, solely and proximately by the conduct of Plaintiffs themselves or third parties including, without limitations, the prior, intervening or superseding conduct of such Plaintiffs or third parties.

## **THIRD DEFENSE**

Plaintiffs' claims and the claims of any putative class members are barred, in whole or in part, because Plaintiffs failed to mitigate any damages they may have suffered.

## **FOURTH DEFENSE**

Plaintiffs' claims and the claims of any putative class members are barred, in whole or in part, by the doctrine of waiver.

## **FIFTH DEFENSE**

Plaintiffs' claims and the claims of any putative class members are barred, in whole or in part, by the doctrine of estoppel.

## **SIXTH DEFENSE**

Plaintiffs' claims and the claims of any putative class members are barred, in whole or in part, by the doctrine of laches.

## **SEVENTH DEFENSE**

Plaintiffs' claims and the claims of any putative class members are barred, in whole or in part, by the applicable statute of limitations.

### **EIGHTH DEFENSE**

Plaintiffs' claims and the claims of any putative class members are barred, in whole or in part, due to the ratification of, and consent to, the conduct of Seaboard.

### **NINTH DEFENSE**

Without admitting the existence of any contract, combination or conspiracy in restraint of trade, and expressly denying same, Plaintiffs' claims are barred, in whole or in part, by non-settling Defendants' right to set off any amounts paid to Plaintiffs by any Defendants who have settled, or do settle, Plaintiffs' claims against them in this action.

### **TENTH DEFENSE**

Plaintiffs' claims are barred, in whole or in part, to the extent they seek improper multiple damage awards, and damage awards duplicative of those sought in other actions, in violation of the Due Process guarantees of the Fifth and Fourteenth Amendments of the United States Constitution.

### **ELEVENTH DEFENSE**

Plaintiffs' claims are barred, in whole or in part, because Seaboard's conduct did not cause harm to competition in any relevant market.

### **TWELFTH DEFENSE**

To the extent Plaintiffs claim that Seaboard fraudulently concealed any actions, Plaintiffs have failed to allege this fraud with the particularity required by Federal Rule of Civil Procedure 9(b).

**THIRTEENTH DEFENSE**

Plaintiffs' claims are barred, in whole or in part, because any alleged anti-competitive effects of the conduct alleged by Plaintiffs do not outweigh the pro-competitive benefits.

**FOURTEENTH DEFENSE**

Plaintiffs' claims are barred, in whole or in part, because of the *Copperweld* doctrine.

**FIFTEENTH DEFENSE**

Plaintiffs' claims are barred, in whole or in part, because Seaboard acted unilaterally, in furtherance of its independent business interests.

**SIXTEENTH DEFENSE**

Plaintiffs' claims are barred, in whole or in part, because any contracts or agreements between Seaboard and any other person were lawful business arrangements and cannot support a claim that Seaboard engaged in any unlawful conspiracy.

**SEVENTEENTH DEFENSE**

Plaintiffs' claims are barred, in whole or in part, because they did not suffer antitrust injury or injury-in-fact.

**EIGHTEENTH DEFENSE**

Plaintiffs' damages claims are barred, in whole or in part, because they have suffered no damages or because the damages they seek are speculative and uncertain.



**NINETEENTH DEFENSE**

Plaintiffs' claims are barred, in whole or in part, by the doctrines of *in pari delicto*, involvement, participation, equal involvement, complete involvement, and unclean hands.

**TWENTIETH DEFENSE**

Seaboard adopts by reference any applicable defense pleaded by any other Defendant that is not otherwise expressly set forth in this Answer.

**TWENTY-FIRST DEFENSE**

Seaboard reserves the right to assert other defenses as this action proceeds up to and including the time of trial.

**PRAYER FOR RELIEF**

WHEREFORE, Seaboard respectfully requests that judgment be entered in favor of Seaboard and the other Defendants and against Plaintiff, dismissing the Complaint in its entirety with prejudice. Seaboard further requests that this Court: (i) award Seaboard its costs and disbursements; and (ii) award such other and further relief as the Court deems just and proper.

**JURY TRIAL DEMANDED**

Pursuant to the Federal Rules of Civil Procedure 38, Seaboard demands a trial by jury on all claims so triable.

Dated: December 16, 2020

/s/ Peter J. Schwingler

William L. Greene (#0198730)

Peter J. Schwingler (#0388909)

Jon M. Woodruff (#0399453)

STINSON LLP

50 South Sixth Street, Suite 2600

Minneapolis, MN 55402

Phone: (612) 335-1500

Fax: (612) 335-1657

william.greene@stinson.com

peter.schwingler@stinson.com

jon.woodruff@stinson.com

J. Nicci Warr (*pro hac vice*)

STINSON LLP

7700 Forsyth Boulevard, Suite 1100

St. Louis, MO 63105

Phone: (314) 863-0800

Fax: (314) 863-9388

nicci.warr@stinson.com

**Attorneys for Defendants Seaboard Foods  
LLC and Seaboard Corporation**